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**Subject:** FW: NY Times Editorial - A Failure to Police Chemical Plants  
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**From:** Gray, David  
**Sent:** Monday, June 03, 2013 1:47 PM  
**To:** Coleman, Sam; Curry, Ron; Edlund, Carl; Phillips, Pam  
**Cc:** Gray, David  
**Subject:** NY Times Editorial - A Failure to Police Chemical Plants

## EDITORIAL

# A Failure to Police Chemical Plants

By [THE EDITORIAL BOARD](#)

Published: June 1, 2013 [68 Comments](#)

The deadly explosion at a fertilizer plant in West, Tex., in April has highlighted glaring shortcomings in federal and state regulation of facilities that produce, store and use toxic chemicals.

The casualties in Texas — 14 killed and nearly 200 injured — were shocking, but the fact is that chemical disasters imperil millions of Americans who live and work close to industrial plants in dense cities and sprawling suburbs. Last November, the Congressional Research Service [identified 2,560 facilities](#) that could each put more than 10,000 people at risk in the event of an accident. Last year, [1,270 people died in more than 30,000](#) chemical spills and accidents. The Texas catastrophe showed that federal regulators have been far too lax in their oversight of ammonium nitrate, the fertilizer at the center of this explosion. The West Fertilizer Company stored 540,000 pounds of the stuff at its plant [in 2012](#) (it is unclear how much it had in April). In spite of the potential risks posed by the fertilizer, plants are allowed to keep it near residential areas. Plants with large quantities are required to tell the Department of Homeland Security how they keep the material secure, but the West plant did not bother to do so.

More broadly, the explosion is a reminder that the Obama administration has failed to uphold a [promise](#) the president made as a candidate in 2008 to require the industry to switch to safer chemicals and processes wherever feasible. The Environmental Protection Agency could compel plants to switch their materials and methods by invoking the general duty clause of the Clean Air Act, which calls on them to prevent accidental release of dangerous chemicals and to minimize the consequences of such releases.

Many environmental groups and Christine Todd Whitman, an E.P.A. administrator during George W. Bush's first term, have lobbied for such a change. But the agency has not required the switch to safer technology, under pressure from the industry, which argues that such a mandate would be costly and cumbersome.

The health risk is particularly great for the poor and racial minorities, who are more likely to live in communities near facilities using hazardous materials. Much of this is the result of racial politics that put dangerous plants in segregated and poor neighborhoods where land is cheap. Restrictive zoning laws and subtler forms of discrimination can also make it hard for the poor and members of minority groups to move to nicer neighborhoods. [A study](#) published in the American Journal of Sociology in 2010 found that black and Hispanic families tended to live in areas with more industrial pollution than whites — even with similar levels of education and income.

For example, more than 40,000 people live in a three-mile radius around a [Citgo oil refinery](#) in Corpus Christi, Tex., which uses a host of flammable and toxic chemicals, including butane and hydrogen fluoride. This population has an estimated per capita income of \$12,700, and nearly 90 percent of those people are Hispanic or black, according to an analysis of E.P.A. and census data by an alliance of environmental groups known as the [Coalition to Prevent Chemical Disasters](#). By contrast, the State of Texas has an average per capita income of about \$25,500, and about 50 percent of its population is Hispanic or black.

[Similar disparities](#) exist around the country in places like Detroit and northern New Jersey, and they have persisted for decades in spite of the increased awareness of environmental injustice since the 1980s, when several [important studies](#) documented the problem in detail.

In 2009, the House of Representatives passed a bill that would have required the riskiest plants to switch to safer technology, but the Senate did not adopt the legislation. Senator Frank Lautenberg of New Jersey [introduced a similar bill](#) in January, but it is unlikely to advance given the partisan gridlock in Washington.

Some chemical companies have voluntarily adopted safer materials and methods. In 2009, Clorox [said](#) it would switch its seven bleach plants from lethal chlorine gas to a safer process that uses “high-strength bleach” as a raw material. Such efforts are welcome, but policy makers cannot wait for the industry to move to safer technologies on its own. It is critical for the E.P.A. to take action under the power it already has.